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6 UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,) Case No.: CR 08-00540 DLJ
11)
Plaintiff,) ORDER RE: EXCLUSION OF TIME UNDER THE
12) SPEEDY TRIAL ACT [18 U.S.C. §3161]
vs.)
13 JAMES SELZER,)
14 Defendant)

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16 FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, IT IS HEREBY
17 ORDERED that the time from February 20, 2009 to March 20, 2009 is hereby excluded from
18 the time calculations of the Speedy Trial Act, 18 U.S.C. §3161. The court finds the
19 time from February 20, 2009 to March 20, 2009 excludable from the Speedy Trial Act
20 requirements of Title 18, United States Code, sections 3161(h)(8)(A) and
21 3161(h)(8)(B)(iv). The court finds that the time excludable in that the ends of
22 justice served by granting this continuance of the status conference to March 20, 2009
23 outweigh the best interests of the public and the defendant in an earlier trial for
24 the following reasons: defense counsel is currently engaged in a homicide trial in
25 the Superior Court of Alameda County and is unable to appear. For this reason, the
26 court finds that a continuance of the status conference to March 20, 2009 is necessary
27 to ensure both effective case preparation and the availability of defense counsel, and
28 denial of such a continuance would unreasonably deny defendant effective case

1 preparation and continuity of counsel pursuant to 18 U.S.C. §§3161 (h)(8)(A) and 3161
2 (h)(8)(B)(iv).

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5 DATE: February 19, 2009



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7 D. Lowell Jensen
United States District Court Judge
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